

2166-1

UNITED STATES DISTRICT COURT
for the
NORTHERN DISTRICT OF ILLINOIS

CATHERINE GILLARD-POWELL,)
)
)
 Plaintiff,)
v.) No. 1:24-cv-05828
)
)
LINEAR MORTGAGE, LLC, and)
MADISON MANAGEMENT SERVICES, LLC,)
)
)
 Defendants.)

**MOTION TO DISMISS PLAINTIFF'S COMPLAINT
PURSUANT TO FED. R. CIV. PRO. 12(B)(6)**

Linear Mortgage, LLC (“Linear”) and Madison Management Services, LLC (“Madison”), (collectively, the “Defendants”) by and through their attorneys, James V. Noonan and Pamela J. Leichtling, pursuant to Fed. R. Civ. Pro. 12(b)(1) and (6), respectfully request that this Court dismiss the Plaintiff, Catherine Gillard-Powell’s, Complaint (“Complaint”) for lack of jurisdiction and for failure to state a claim. In support thereof, Defendants state as follows:

INTRODUCTION

At the center of the Plaintiff’s Complaint is the order confirming her Chapter 13 Bankruptcy plan which provided that once a stripped down second mortgage lien had been paid through the plan, the mortgage would be deemed released. Plaintiff alleges she paid the debt through the plan, yet, Linear, which owned the loan at the time, did not release the mortgage. Instead, it assigned the loan to Madison’s principal which had the release of the mortgage recorded about a year later after the Bankruptcy was closed.

Plaintiff’s suit, brought on behalf of herself and other similarly situated persons, makes three claims. First, Count I alleges that Defendants (she does not distinguish between them)